

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE SANDS HARBOR MARINA CORP.,
SANDS HARBOR MARINA LLC, THE SANDS
HARBOR MARINA OPERATING CORP.,
SANDS HARBOR MARINA OPERATING LLC,
GREG W. EAGLE, PINE CREEK RANCH, LLC
and UNIVERSITY 1248, LLC,

Plaintiffs,

-against-

USI INSURANCE SERVICE NATIONAL, INC. f/k/a
WELLS FARGO INSURANCE SERVICES OF
OREGON, INC., EVMC REAL ESTATE
CONSULTANTS, INC., LARRY ESACOVE, THE
ESTATE OF AIDA ESACOVE, DAVID P. GUILLOT,
ANTHONY B. CHOPRA, TISDALE & NICHOLSON,
LLP, JEFFREY A. TISDALE, GUY C. NICHOLSON
and MICHAEL D. REIS,

Defendants.
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Index No.:
09 CV 3855 (JS)(AYS)

**[PROPOSED]
ORDER**

WHEREFORE:

1. This action involves allegations of fraud and negligent misrepresentation in connection with proposed financing for the purchase and development of properties in Florida by the Plaintiffs, including the Plaintiffs Greg W. Eagle ("Eagle"), Pine Creek Ranch, LLC ("Pine Creek") and University 1248, LLC ("University 1248")(collectively, the "Eagle Plaintiffs").

2. The Eagle Plaintiffs were looking to obtain financing for the purchase and development of two adjoining properties in central Florida totaling approximately 6,500 acres (the "Eagle Transaction").

3. Eagle is currently incarcerated by the Federal Bureau of Prisons at a facility located in Butner, North Carolina ("Butner"), where he is serving out a sentence for bank fraud.

4. Pursuant to the Court's April 10, 2018 order (Dkt. No. 297), the parties began to take the deposition of Eagle on June 12-14, 2018, however, the sheer volume of relevant documents, number of players involved, and the duration of the Eagle Plaintiffs' efforts to obtain financing – which extended over 4 years – made it impossible to complete the deposition in that time period.

5. The parties agree that they need addition time to complete the deposition of Eagle, and the parties further agree that it would be optimal if Eagle's deposition can be completed before the rest of the Eagle Transaction related depositions go forward. The parties' goal is therefore to try to schedule the continuation of Eagle's deposition as soon as possible.

6. In order for the continuation of Eagle's deposition to proceed at Butner, the prison's warden must receive an order entered by this Court.

7. Further to their efforts to continue with Eagle's deposition, the parties have scheduled the continuation of Eagle's deposition to proceed on July 10, 11, and 12, 2018, subject to the prison's availability and the warden's approval.

IT IS HEREBY ORDERED:

8. The deposition of Eagle may proceed at Butner subject to the warden's discretion for both scheduling and safety reasons.

SO ORDERED.

Dated: _____
Central Islip, NY

HON. ANNE Y. SHIELDS, U.S.D.J.